

REMARKS

Claims 1-3 and 5-15 remain pending in this application. No claims have been amended by this response.

Applicants wish to thank the examiner for indicating allowability of claims 1 – 3, 5 – 8 and 14. Applicants further wish to thank the examiner for indicating allowable subject matter of claims 10, 11 and 13.

According to the Office Action, claims 9 and 15 stand rejected under 35 USC 102(b) as being anticipated by U.S. Patent Application Publication US2002/0154144 (Lofgren). Further according to the Office Action, claim 12 stands rejected under 35 USC 103(a) as being obvious over Lofgren in view of U.S. Patent Application Publication US2002/002800 (Conwell).

In response, the rejections are respectfully traversed.

In order for a reference to anticipate a claim, MPEP 2131 requires the reference to teach every element of the claim. It is respectfully submitted that Lofgren does not teach each and every element of the Applicants' claim 9 and, therefore, does not support a prima facie case of anticipation.

More specifically, Lofgren fails to teach or suggest, among other things, Applicant's feature of "providing a plurality of digital reference fingerprints each calculated from a respective reference information signal, where each digital fingerprint is associated with a corresponding watermark secret," as recited in claim 9, for example. The examiner's citation to Lofgren's paragraphs 47 - 49 is inapplicable. In those paragraphs, as relied upon in the Office Action, Lofgren merely discloses that "a digital watermark identifier is used to identify a family (or set) of images ... We also determine an image hash (or fingerprint) for each image (including derivatives). These hashes are used to uniquely identify an image within the family or set of images." It is not clear as to how those elements in Lofgren correspond to Applicants' claimed plurality of digital reference fingerprints, each calculated from a respective reference information signal.

In the Office Action, it is not indicated what element(s) in Lofgren allegedly correspond to Applicants' claimed digital reference fingerprints. If the examiner maintains the rejections, it is respectfully requested that he specifically point out such correspondence between Lofgren and Applicants' claimed element.

Further to the Office Action, it is not indicated how and what is calculated in Lofgren. Once again, if the examiner maintains the rejections, it is respectfully requested that he specifically point out such correspondence between Lofgren and Applicants' claimed limitation.

Still further to the Office Action, nowhere does Lofgren teach or suggest, among other things, Applicants' claimed feature of "determining a matching digital fingerprint from the plurality of digital reference fingerprints as corresponding to the calculated digital fingerprint," as recited in claim 9, for example. Since the recited digital reference fingerprints are not specifically identified in Lofgren by the examiner, it follows that the above feature of the present invention is not found in the cited reference. If the examiner disagrees, he is respectfully requested to point out, with specificity, where such limitation is taught or even suggested in Lofgren.

As Lofgren does not disclose all limitations in the claim, the Applicants respectfully submit that this prior art reference does not support a prima facie case of anticipation. As such, the rejection to independent claim 9 under 35 U.S.C. 102(b) is unfounded, as per MPEP 2131, and should be withdrawn.

Claim 15 contains similar limitations, and the above argument equally applies thereto. Hence, withdrawal of the rejection of claim 15 is also warranted.

Dependent claim 12 depends from and incorporates all the features of allowable claim 9. The examiner relies on Conwell only for the additional feature of claim 12: Conwell is not relied upon for any other elements or limitations recited in Applicants' claim 9. Thus, it is effectively conceded in the Office Action that Conwell fails to cure the deficiencies in Lofgren, as noted above with respect to the independent claim 9. Thus, dependent claim 12 is patentable for at least the same reasons discussed above with respect to its independent claim. It is respectfully submitted that the rejections of claim 12 has been overcome.

In view of the above withdrawal of the rejections and early allowance of the claims are respectfully requested.

An earnest effort has been made to be fully responsive to the examiner's correspondence and advance the prosecution of this case. In view of the above amendments and remarks, it is believed that the present application is in condition for allowance, and an early notice thereof is earnestly solicited.

Please charge any additional fees associated with this application to Deposit Account No. 14-1270.

Respectfully submitted,

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